

United States District Court, Northern District of Illinois

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| Name of Assigned Judge or Magistrate Judge | Milton I. Shadur | Sitting Judge if Other than Assigned Judge | |
| CASE NUMBER | 01 C 8330 | DATE | 11/26/2001 |
| CASE TITLE | USA vs. Juan Perez | | |


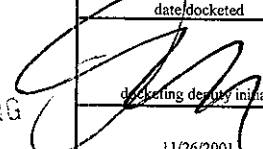
[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

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| (1) | <input type="checkbox"/> | Filed motion of [use listing in "Motion" box above.] |
| (2) | <input type="checkbox"/> | Brief in support of motion due _____. |
| (3) | <input type="checkbox"/> | Answer brief to motion due _____. Reply to answer brief due _____. |
| (4) | <input type="checkbox"/> | Ruling/Hearing on _____ set for _____ at _____. |
| (5) | <input type="checkbox"/> | Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____. |
| (6) | <input type="checkbox"/> | Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____. |
| (7) | <input type="checkbox"/> | Trial[set for/re-set for] on _____ at _____. |
| (8) | <input type="checkbox"/> | [Bench/Jury trial] [Hearing] held/continued to _____ at _____. |
| (9) | <input type="checkbox"/> | This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2). |
| (10) | <input checked="" type="checkbox"/> | [Other docket entry] Enter Memorandum Order. Perez' motion for reconsideration is denied. (4-1) |
| (11) | <input checked="" type="checkbox"/> | [For further detail see order attached to the original minute order.] |

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|---|-----------------------------------|--|--|--|
| <input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input checked="" type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input type="checkbox"/> Copy to judge/magistrate judge. | SN courtroom deputy's initials | ED-1 FILED FOR DOCKETING 01 NOV 26 PM 4:21 | number of notices | Document Number  |
| | | | NOV 27 2001 date docketed | |
| | | |  docketing deputy initials | |
| | | | 11/26/2001 date mailed notice | |
| | | | SN mailing deputy initials | |
| Date/time received in central Clerk's Office | | | | |

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN PEREZ, #10123-424,

Defendant.

No. 01 C 8330
(98 CR 399-3)

DOCKETED
NOV 27 2001

MEMORANDUM ORDER

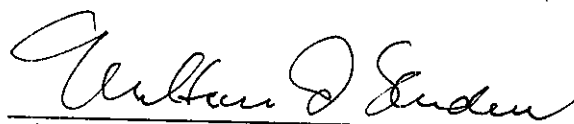
Following the issuance of this Court's November 2, 2001 memorandum opinion and order ("Opinion") denying the 28 U.S.C. §2255 ("Section 2255") motion filed by Juan Perez ("Perez") to challenge the conviction on which he is now serving a 200-month sentence, Perez has filed a "Motion for Reconsideration from Final Judgment of a 28 U.S.C. §2255 Petition." For the reasons briefly stated here, that motion for reconsideration is also denied.

It could well suffice for such denial to say that Perez has really done nothing more than to repeat the same arguments that he made in his original Section 2255 motion and that this Court found wanting in the Opinion. Such disagreement with a court's ruling for the same reasons that were advanced the first time around is not a proper basis for seeking reconsideration. That is the teaching that was so well articulated in Above the Belt, Inc. v. Mel Bohannon Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va. 1983) and that has been confirmed many times over by courts

everywhere, including this Court and (more importantly) our Court of Appeals.

But the current motion is wanting not just on that procedural ground, but also because it too is substantively mistaken on the merits for the very reasons that the Opinion set out. Just a few words should be added because Perez mistakenly believes that this Court has not paid sufficient heed to the multitude of cases that he has cited and quoted, both in his original motion and in the current one. What Perez fails to recognize is that it is not enough to quote past decisions accurately if those quotations (and the decisions themselves) simply do not apply to the case at hand, and that is the situation here. That is why there is no good purpose to be served by going through the mass of Perez' inapropos references to authorities.

As stated in the Opinion and as confirmed in this follow-up, Perez has not identified any constitutional defect in his conviction. Accordingly his motion for reconsideration is denied.



Milton I. Shadur
Senior United States District Judge

Date: November 26, 2001